

Wyoming High School Mock Trial 2023

Warren vs Ross



The 2023 WHSMT case arises from the pitch of competition to gather shed antlers, fueled by high prices and aggressive practices by a growing number of people who find fun and profit in the hunt for “sheds.”

This case was written by WHSMT for the 2023 competition. Any similarity to actual persons or events is purely coincidental.

Find case materials and information about WHSMT and the 2023 competition on our website wyomingmocktrial.com.

Contact WHSMT coordinators Marguerite Herman and George Powers at wyomingmocktrial@gmail.com. WHSMT is supported by a grant by the Wyoming State Bar Association.

Find a summary of the 2023 case in the article printed in the Carter County Crier in advance of the trial of the lawsuit by Robin Warren against Frankie Ross.

Carter City Crier

All the News that Matters to Carter County

Wednesday, November 22, 2023

CARTER CITY, WYOMING • CCCRIER.COM

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Willow Creek Stabbing Trial Stirs Local Interest, Divisions on Shed Antlers

By ETAOIN SHRDLU
Carter City Crier Editor

CARTER CITY, Wyo. Residents of our fair city and county are looking forward to the trial in December of what people are calling “The Great Antler Stabbing,” pitting two versions of self-defense against each other. The plaintiff is Robin Warren, and the defendant is Frankie Ross.

Warren seeks damages from Ross for the medical care received after being stabbed in the gut with a large set of shed antlers on Willow Creek on the day before the shed hunting season began last spring. Interestingly, both individuals are claiming self-defense: Ross claims the stabbing was not intentional and was the direct result of Warren’s brandishing a large and dangerous knife. Warren claims to have had the knife briefly in hand during the confrontation because Ross was the one threatening with the antlers.

Warren’s attorney, Jane Howe, held a news conference and told reporters her client had to sue to pay hospital bills, and “it’s okay that it also sends a message to vigilante ‘heroes’ who start fights in bars” and behave like “warden wannabes”, enforcing shed antler seasons. “Robin Warren has every right to carry a hunting knife and every right to draw it when ambushed in a cowardly fashion by Mr. Ross.”

Ms. Howe promised to prove to the jury that her client did not have the knife and was “in fear of imminent harm and injury” when Frankie Ross intentionally ran her client through with the antler. Frankie Ross did not return phone calls asking for a



Shed antlers collected and ready to pack out of one of Wyoming’s regulated antler gathering areas. Competition among shed hunters is intense, especially as the season opens. (Wyoming Game and Fish photo)

comment. However, defense attorney Paul Beret told The Crier, “Ross would have their day in court and set the record straight then.”

The Crier’s “Survey of the Week” on November 15, 2023, asked, “Do you support Robin Warren or Frankie Ross in this lawsuit?” The results were: 151 for Warren and 267 for Ross. Some respondents added comments describing Warren’s history of starting fights and Ross’ positive work to protect big game. Several local residents commented, “Robin Warren had it coming.” Several comments supported tighter regulations and tougher enforcement of shed antler seasons.

Warren filed suit after the county attorney declined to file criminal charges in the stabbing. At

Cont. on page 2

Willow Creek, from page 1

the time, County Attorney Mark White told The Crier, “My office made its decision not to pursue a criminal conviction based on the difficulty of establishing exactly what happened on April 30, 2022. Our office was hampered by a lack of forensic evidence and eyewitness testimony.”

“The plaintiff and defendant have a history of conflict. A jury will have to decide how much that plays a role in this civil action,” White said.

For the benefit of our readers what follows is a summary of the conflict and case leading up to the events of April 30, 2022, and this lawsuit.

The Willow Creek case plays out against the backdrop of the fun and profit of gathering shed elk antlers on public land in Wyoming, including in the John Coulter National Forest in Carter County. Shed antler hunting has grown over the past 25 years from a small-scale family-friendly activity to a high-stakes competition for a resource that international buyers will pay big money for. Some of that competition has been cut-throat, illegal and harmful to big game on critical winter range. The legal start to shed season is May 1. The Willow Creek incident occurred the day before.

Game and Fish Warden Sam Chatterton, who is listed as a plaintiff witness list, is familiar with the frenzy surrounding the season opening

and the temptation to cheat on that opening date. . Chatterton must enforce restrictions and understands the games people play and how dirty they can get. The other plaintiff witness, aside from Warren, is Brook Hunt, a student and member of the local chapter of Mountain Rangers of America.

On the other side, defense witness Shannon Kendrick profits from the shed season, as a dealer who regularly spends hundreds of thousands of dollars buying shed antlers for clients across the globe. Kendrick’s clients also include Frankie Warren in Carter County. A local authority on elk and other antlered animals, Carroll Crane, a professor at Wyoming State University, will be testifying for the defendant, as well. Expertise and passion for animal science has made Crane an effective advocate for the animals. We have reports both of these witnesses had contact with Warren in the days leading up to the confrontation with Ross.

The plaintiff and defendant have a history of conflict over Warren’s shed antler activities, over shed antler harvesting in general and over a barroom brawl involving the defendant’s cousin. There is no love lost between these two.

According to attorneys interviewed by The Crier staff, the jury is being asked to consider the two versions of self-defense. Our staff will cover the trial from voir dire to verdict and report faithfully to our readers.

9. As a proximate result of ROSS's assault and battery, WARREN required emergency transportation by ambulance, emergency surgery, hospitalization and other medical care and has incurred medical bills and expenses in excess of \$75,000. In addition, WARREN has suffered and/or will suffer additional damages, including but not limited to past, present and future pain and suffering, past, present and future loss of enjoyment of life, past, present and future loss income and/or earning capacity, and past, present and future emotional distress and/or mental anguish.

10. In addition, WARREN also alleges that ROSS acted intentionally and/or with willful and wanton disregard for the high probability of resulting injuries, when ROSS struck and/or stabbed WARREN with an elk antler, such that punitive damages should also be awarded in an amount sufficient to punish ROSS and discourage ROSS and others in a similar situation from committing similar assaults and/or batteries.

WHEREFORE Plaintiff WARREN prays that this Court enter judgment in favor of Plaintiff, award compensatory damages in an amount sufficient to compensate WARREN for their injuries, award punitive damages against ROSS in an amount sufficient to punish, award Warren the costs incurred in bringing this action and awarding such other and further relief as may be just.

Dated this ___1st___ day of February 2023.

Jane Howe

Jane Howe
Dewey, Cheatam & Howe
253 South Court Street
Carter City, Wyoming 82999
(307) 555-4275

STATE OF WYOMING
TENTH JUDICIAL DISTRICT COURT
COUNTY OF CARTER

ROBIN WARREN, Plaintiff)

vs.

)
)
)

Civil Action No.: 2023-CV-83-9632

FRANKIE ROSS, Defendant)

ANSWER TO COMPLAINT

COMES NOW the Defendant, Frankie Ross, by and through their attorney, Paul Beret, and for their Answer to the Complaint filed herein does state and allege as follows:

1. Defendant admits paragraphs 1, 2, 4 and 5 of the Complaint, but denied that Plaintiff suffered any injuries for which damages may be awarded.
2. Defendant denies paragraphs 3, 6, 7, 8, 9 and 10 of the Complaint.
3. As a further affirmative defense, Defendant states and alleges that they only acted in reasonable self-defense in response to Plaintiff’s immediate threats and actions, which placed Defendant in fear of imminent harm and injury.
4. Defendant reserves the right to assert additional affirmative defenses as may be disclosed in the course of discovery.

WHEREFORE Defendant prays that this Court enter judgment in favor of Defendant and against Plaintiff, that Plaintiff take nothing, that Plaintiff’s Complaint be dismissed with prejudice, that the Court award Defendant their costs and that the Court award Defendant such other relief as may be proper in the premises.

Dated this ____10th____ day of February 2023.

Paul Beret, Esq

Paul Beret, Esq.
45 Bugler Way
Carter City, Wyoming 82999
(307) 555-0328

IN THE DISTRICT COURT FOR THE TENTH JUDICIAL DISTRICT,
COUNTY OF CARTER, STATE OF WYOMING

ROBIN WARREN,)
Plaintiff)
)
vs.)
)
FRANKIE ROSS,)
Defendant)

Civil Action No. 2023-CV-83-9632

PRETRIAL ORDER AND STIPULATIONS

The Parties, by and through their respective counsel, having appeared through counsel and the Court having considered the pleadings and the arguments of counsel, and otherwise being fully advised in the premises:

The Court hereby finds and orders as follows:

1. WITNESSES: The following witnesses will be called to offer testimony in accordance with the Wyoming Mock Trial Rules and the following stipulations.

a) The Plaintiff will call the following witnesses in whatever order they may choose:

- 1. Robin Warren
- 2. Brook Hunt
- 3. Sam Chatterton

b) The Defendant will call the following witnesses in whatever order they may choose:

- 1) Frankie Ross

- 2) Shannon Kendrick
- 3) Carrol Crane

2. EXHIBITS: The Parties may offer the following exhibits, subject to the Wyoming Mock Trial Rules and the following stipulations.

EXHIBIT 1: Photograph of antler

EXHIBIT 2: Photograph of knife

EXHIBIT 3: Wyoming Game and Fish Department Regulations,
Chapter 61, Collection of Shed Antlers (eff.

11/17/2020)

EXHIBIT 4: Wyoming Antler Hunting Regulation Area Map

EXHIBIT 5: Price List for Antlers

EXHIBIT 6: Hand-drawn map of area prepared by Sam Chatteerton

EXHIBIT 7: G&F Witness Statement, Robin Warren

EXHIBIT 8: G&F Witness Statement, Frankie Ross

EXHIBIT 9: G&F Witness Statement, Brook Hunt

3. STIPULATIONS: The parties have agreed and are hereby bound by the following stipulations:

- a) Each witness is bound by the contents of his/her affidavit. All witnesses have been informed of the stipulations and will testify consistently with the stipulations. Witnesses are not bound by the statements contained in the affidavits of other witnesses.
- b) All signatures on written documents and affidavits are authentic. All affidavits have been properly executed under oath. All persons signing the affidavits had

the opportunity to read the affidavits and to make any necessary corrections before signing.

- c) All exhibits are authentic. All photographs are true and accurate depictions of the pictured object. All documents are true and accurate copies of the originals. Copies of exhibits may be offered and entered into evidence in lieu of the originals.
- d) If any witness is called upon to offer expert or lay opinions, the party calling the witness shall be required to establish a proper foundation for the witness's opinion in accordance with the rules. See Rules of Evidence 701 and 702. Once that foundation has been laid, the witness may present relevant opinion testimony in accordance with the rules. Any specific objections to the witness's specific opinions may be made and will be considered by the Court in accordance with the rules of evidence.
- e) Carter County, Wyoming, is located somewhere within the G&F controlled area shown on the Wyoming Antler Hunting Regulation Area Map (Exhibit D) and persons collecting antlers in Carter County are subject to the Wyoming Game and Fish Department Regulations, Chapter 61, Collection of Shed Antlers (Exhibit C).
- f) Upon admission to the Carter County Memorial Hospital ("CCMH") on April 30, 2022, Robin Warren was diagnosed and treated for injuries that included a perforation of the abdomen with internal lacerations of the liver and of the spleen. Warren underwent surgery to remove their spleen and repair their other injuries. Warren was discharged from CCMH on May 5, 2022.

- g) The elk antler (Exhibit 1) and the knife (exhibit 2) were recovered at the scene by Sam Chatterton. The knife belongs to Robin Warren.

4. ISSUES FOR TRIAL AND INSTRUCTIONS: The legal and factual issues that will be presented at trial are summarized as follows:

- a) Plaintiff contends that the Defendant intentionally committed a battery on the Plaintiff on April 30, 2022, in Carter County, Wyoming and is legally liable for any resulting damages and for punitive damages.
- b) Defendant contends they acted in self-defense and this is a complete legal defense against Plaintiff's claims.
- c) The parties have agreed and stipulated to withdraw and waive any further arguments or claims based on the doctrine of comparative fault and the Court will not include any instructions on this doctrine.
- d) Trial has been bifurcated. The first stage of trial will be limited to the issues of liability only. If necessary, a second stage of trial will be scheduled at a later date to determine the amount of any compensatory damages, if any, and the amount of any punitive damages, if any..
- e) All pleadings are deemed to be amended in accordance with the terms of this order. In the event of any conflict between the pleadings and this order, this order will control.
- f) The instructions to be given by the Court and the verdict form are attached hereto.

5. OTHER MATTERS: The Court finds and otherwise directs the Parties as follows:

- a) The Statement of the Case is not evidence and may not be used for any purpose at trial. The only evidence that may be offered and received at trial is the testimony of the witnesses and the exhibits that have been marked and included in the trial materials.
- b) During closing arguments, the parties may refer to and/or read from the instructions of the Court and may also use the verdict form.
- c) All parties are properly before the Court. The Court has jurisdiction over the subject matter and over the parties. Venue has been properly laid in Carter County, Wyoming.
- d) Trial will be held on December 2, 2023, at the Laramie County Courthouse, 309 W. 20th Street, Cheyenne, Wyoming.

Dated this 2nd day of November 2023.

Harriet D. Pringle
District Court Judge

RULES AND VERDICT FORM

DIRECT AND CIRCUMSTANTIAL EVIDENCE

There are two types of evidence from which you may find the truth as to the facts of a case - direct evidence and circumstantial evidence. An example of direct evidence is the testimony of one who asserts actual knowledge of a fact, such as an eyewitness.

Circumstantial evidence is the proof of facts or circumstances from which the existence or non-existence of other facts may be reasonably inferred. The law makes no distinction between the weight to be given to either direct or circumstantial evidence. Both direct evidence and circumstantial evidence are acceptable forms of proof and should be given the weight you feel is appropriate in light of all the evidence.

EXPERT TESTIMONY

A person is qualified to testify as an expert if [he][she] has special knowledge, skill, experience, training, or education sufficient to qualify [him][her] as an expert on the subject about which [he][she] testifies.

An expert witness may offer opinions on questions regarding the issues in the case to assist you in deciding the issues. You are not bound to accept an expert's opinion as conclusive, but should give it the weight to which you feel it is entitled.

In determining the weight, if any, to be given to an opinion, you may consider the qualifications of the expert, the credibility of the expert, the information upon which the opinion is based, and the reason for the opinion. You may disregard any opinion if you find it to be unreasonable or not adequately supported.

OPINION TESTIMONY BY LAY WITNESS

In determining the weight to be given to an opinion expressed by any witness [who did not testify as an expert witness], you should consider credibility, the extent of the witness's opportunity to perceive the matters upon which the opinion is based, and the reasons, if any, given for it. You may disregard any opinion if you find it to be unreasonable or not adequately supported.

PREPONDERANCE OF EVIDENCE - DEFINED

"A preponderance of the evidence" is defined as the amount of evidence, taken as a whole, that leads you to find that the existence of a disputed fact is more probable than not. You should understand that "a preponderance of the evidence" does not necessarily mean the greater number of witnesses or exhibits.

CAUSE - DEFINED

An injury or damage is caused by an act, or a failure to act, whenever it appears from the evidence that the act, or failure to act, played a substantial part in bringing about the injury or damage.

EXEMPLARY OR PUNITIVE DAMAGES - PHASE I OF BIFURCATED TRIAL

The Plaintiff seeks from the defendant additional damages known, in the law, as exemplary, or punitive, damages.

Punitive damages are allowable, in a proper case, to punish the defendant and to deter the defendant and others similarly situated from engaging in similar conduct in the future.

If you find that the Plaintiff is entitled to recover compensatory damages as a result of the Defendant's conduct, you may in your sole judgment and discretion award additional punitive damages against the Defendant if, and only if, you find by a preponderance of the evidence that the Defendant was guilty of willful and wanton misconduct.

Willful and wanton misconduct is the intentional doing of an act, or an intentional failure to do an act, in reckless disregard of the consequences, and under such circumstances and conditions that a reasonable person would know, or have reason to know, that such conduct would, with a high degree of probability, result in harm to another.

BATTERY - ELEMENTS

The Plaintiff has the burden of proof to establish by a preponderance of the evidence all the elements of a cause of action for battery.

An actor is subject to liability to another for battery if:

1. He acts intending to cause a harmful or offensive contact with another person or an imminent apprehension of such a contact, and
2. A harmful or offensive contact with the other person directly or indirectly results.

SELF DEFENSE – ELEMENTS

The Defendant asserts that they acted in self-defense. The Defendant has the burden of proof to establish this defense

The Defendant, will not be liable to the Plaintiff on the claim of battery if the affirmative defense of self-defense is established. This defense is established if you find both of the following:

1. The Defendant honestly and reasonably believed (although perhaps mistakenly) that under the circumstances it was necessary for him to use force to protect himself against an actual or apparent threatened harmful contact; and
2. The Defendant used no more force than a reasonably prudent person would have used under the same or similar circumstances to protect himself against the actual or apparent threatened attack.

**IN THE DISTRICT COURT FOR THE TENTH JUDICIAL DISTRICT,
COUNTY OF CARTER, STATE OF WYOMING**

ROBIN WARREN,)
Plaintiff)
)
vs.)
)
FRANKIE ROSS,)
Defendant)

Civil Action No. 2023-CV-83-9632

VERDICT FORM

WE, THE JURY, having been duly empaneled and sworn, do hereby return the following answers to the questions presented to us by the Court:

1. Did the Defendant commit a battery upon the Plaintiff?

Yes _____ No _____

If you answered "No," stop, sign the verdict form and do not answer any further questions. If you answered "Yes," answer Question 2.

2. Did the Defendant act in self-defense?

Yes _____ No _____

If you answered "Yes," stop, sign the verdict form and do not answer any further questions. If you answered "No," answer Question 3.

3. Did the Defendant's actions constitute willful and wanton misconduct for which punitive damages should be assessed?

Yes _____ No _____

Dated this _____ day of December 2023.

Foreperson of the Jury

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STATE OF WYOMING
TENTH JUDICIAL DISTRICT COURT
COUNTY OF CARTER

ROBIN WARREN, Plaintiff)
)
vs.)
)
FRANKIE ROSS, Defendant)

Civil Action No.: 2023-CV-83-9632

AFFIDAVIT OF ROBIN WARREN

STATE OF WYOMING)
) SS
COUNTY OF CARTER)

I, ROBIN WARREN, being of lawful age and duly sworn do hereby depose and state as follows:

Let’s get one thing straight right from the start. Frankie Ross stabbed me with that antler – on purpose. It was no accident and I darn near died because of it. Frankie Ross is just lucky that that kid Mountain Ranger, Brook Hunt, was able to keep me from bleeding to death while we were waiting for the rescue team to arrive. Otherwise, Ross would be up on murder charges and not just being sued for damages.

I was born and raised in Carter City, but after high school I hit the road to try my hand at making a living and still enjoying life. I was never a 9-to-5 kind of person, so over the years I have had a lot of different jobs. I’ve washed dishes, been a line cook, guided hunters, painted houses, you name it. If someone was willing to pay a reasonable wage, and it wouldn’t get me thrown in jail, I would try just about anything. I was never out of a job very long either because I

32 do good work. Of course, the jobs I like the best are when I find myself working for myself. The
33 best boss is no boss. I tried to go back to school and get some more education at Wyoming State,
34 but they told me I would need to take some remedial classes before I could even enroll. So the
35 choice came down to reading their “Dick and Jane” books or making some scratch. Not much of
36 a choice.

37 One of my favorite gigs is collecting antlers in the spring. Every year the mountains are
38 filled with bull elk carrying 30 to 40 pounds of easy money and every winter those antlers just
39 fall right off. Come springtime all those antlers are just lying out there in the woods, waiting for
40 someone to come along, pick them up and get them into town, where the buyers are waiting to
41 pay cash money for them. They sometimes call antlers “white gold,” but they are better than
42 gold, because those antlers are a resource that renews itself every year. I usually can make
43 \$7,000 dollars or more for just a few days work collecting sheds. One year I cleared more than
44 \$15,000, which let me take most of the summer off. I am telling you, gathering antlers is my
45 favorite side hustle.

46 Unfortunately, things have become very competitive out there with more and more non-
47 local Wyoming folks getting in on the action. Some of them are tourist looking for an
48 “experience,” but more and more we are seeing out-of-state professionals coming in with big
49 crews of contract gatherers. Those people come with dogs, off-road vehicles, drones, GPS
50 systems and they can clean out an area that used to provide me with a week of work in just a
51 couple of hours. It’s so bad that if you want to keep your head above water, you have to get out
52 in the field before they arrive, even if that means bending the rules and getting a start before the
53 season officially opens. I tried that a few years ago, in 2015 and, of course, I got caught along
54 with about 25 other locals. I took my medicine, admitted I was guilty and paid a fine. Hopefully,
55 the new 2023 state laws and regulations will level the playing field a bit. In 2024 Wyoming
56 residents will get a six-day head start on the gathering season, and non-residents will have to buy
57 a conservation sticker, kind of a license. I’ll still have to compete with the other Wyoming antler
58 gatherers, but it will help thin the field out there for a few days..

59 But back in 2022, it was still a dog-eat-dog world and I am sure there was more than one
60 person out there in April trying to get an edge on the rest of us by starting before it was legal.
61 But I was not one of them. I learned my lesson in 2015, and I know I can compete with the best
62 of them without cheating.

63 Now just because you weren't allowed to gather antlers before May 1 didn't mean that
64 you had to stay out of the forest. In fact, any gatherer worth their salt was going to be out
65 walking the territory in April looking for likely spots, where the elk herds had congregated and
66 dropped their antlers. As a kid, I remember reading stories about the so-called elephant
67 graveyards, where you could find mountains of ivory. Well, if you knew where to look, you can
68 find places where you can find the ground literally covered with antlers. Just one or two of those
69 lodes can make a season. I know the G&F regulation prohibits searching for and locating antlers
70 ahead of the official season, but no one can keep me from taking a nice springtime walk in the
71 woods – with my eyes open.

72 That is just what I was doing on April 30, 2022. You can call it “recon,” if you want, I
73 guess. I had been going out for a couple of days before that, scouting up along Willow Creek and
74 Rock Creek. I liked what I was seeing, too. The ground was littered with sheds, but I'm sure
75 other people were doing the same. When I stopped into the Rusty Hawken Bar for a nightcap on
76 the night of April 29, I ran into Shannon Kendrick, one of my regular buyers. I was feeling
77 pretty good about my prospects and maybe I was even bragging a bit, but I told Shannon that
78 they had better be ready to do some serious business as soon as the season opened, because I
79 knew where there were stacks of antlers up along Willow Creek and I intended to bring them out
80 before anyone else found them.

81 Anyway, when I was on Willow Creek on April 30. I hadn't meet up with anyone as I
82 was working my way up, down and around the Willow Creek drainage, other than that Mountain
83 Ranger kid, Hunt. But I could see the signs of other people who had passed through ahead of me
84 and not just the signs of people scouting the area either. In fact, as I was coming down the east
85 side of Willow Creek, I even found someone else's cache of antlers, which had been gathered
86 and hid in a cave, waiting to be claimed and moved on opening day, May 1. Someone had tried
87 to hide the cave entrance with a pile of brush and leaves. There must have been several hundred
88 pounds of top quality antlers in that cave. Now, caching antlers ahead of the season is illegal. No
89 doubts about that part of the regulation. So, I made a note of the location and figured I would call
90 it in to the Game & Fish, when I got back to town. But I never got the chance, because of that
91 nimrod, Ross.

92 I was putting the brush back over the cave opening, when I heard a voice behind me. It
93 said, “Stop right there, Warren. You better forget what you've seen and get out of here before I

94 show you what happens to people that stick their noses into places they don't belong." Well, I
95 figured that it probably was the poacher that owned the cache and whoever it was they didn't
96 sound to happy to see me. Fortunately, I had my hunting knife on my hip, because you never
97 know what you might run into out there in the woods.. As I turned around, I unsnapped and drew
98 my hunting knife just in case I had to protect myself. That was when I saw who had snuck up on
99 me. It was Frankie Ross.

100 I had known Ross for years. In the past Ross had been an active antler hunter as well, but
101 a couple of years ago Ross had made a big deal about giving up the trade. At the time Ross said
102 it was because their cousin, Chris Carey, had helped them see the light and understand that antler
103 hunting put more unnecessary stress of the animals. But I always thought it was just because the
104 Game & Fish had gotten so good at patrolling the areas for early birds that guys like Ross
105 couldn't cut it if they didn't get a head start. I also knew that Ross had had it out for me ever
106 since I thrashed Chris Carey in a fight down at the Rusty Hawken back in 2020. Carey was one
107 of Ross's cousins and he had been running his mouth off calling me a two-timing cheat. I told
108 Carey to shut mouth and then, when he broke that chair over my head, I laid him out. We both
109 ended up needing medical services, but Carey got the worst of it and spent the night in the
110 hospital. No one was ever charged with anything. It was just another Saturday night at the old
111 Rusty Hawken

112 Anyway, there stood Ross, big as life and with a big elk antler in their hands. They were
113 swinging that antler back and forth with two hands like a war club, so I started to back away. I
114 didn't want to get too close to that antler. But then I lost my footing and fell down onto my
115 back. The fall didn't hurt much but it did make me drop my knife. That didn't stop Ross, who
116 kept closing in on me and swinging that antler. I must have said something as I was scrambling
117 back up onto my feet,, but I can't for the life of me remember what. I was just standing there
118 empty handed, when suddenly Ross hit me with that antler. One thing I want to make clear: I
119 unsnapped and drew my knife, as a reflex action in the heat of the moment, when Ross snuck up
120 on me. But I dropped that knife, when I fell the first time and I wasn't holding any knife, when
121 Ross stabbed me with that antler.

122 That antler caught me right below my ribs and ripped right through my jacket and shirt.
123 It also felt like someone had stuck a red-hot poker into my gut. I looked down and saw Ross pull
124 that antler back like they were getting ready to take another swing. At that point I must have

125 passed out or gone into shock, because I don't remember anything after that. The next thing I
126 remember for sure was when I woke up in the emergency room at Carter County Memorial
127 Hospital and they were telling me that I had to have surgery.

128 They had to repair my liver and remove my spleen. I was in the hospital for five days.
129 On the third day, Sam Chatterton came in and took a statement from me at the hospital. I was
130 still a little woozy from the anesthesia and pain medications, but I told Sam everything I knew
131 and answered all questions. I tried to explain that I had found that cache of antlers. I even filled
132 out a written statement about what happened, like Sam asked. But I guess Sam did not believe
133 me, because I ended up with a ticket for collecting antlers out of season. I suppose I could have
134 fought it, but I was laid up with no job and no money for a lawyer. When they offered to let me
135 plead nolo contendere and waived everything other than a small fine, I figured it was easier to fill
136 out the paperwork, take the plea deal and pay the \$100 fine, so I could save my energy for
137 getting well.

138 That stay in the hospital cost me more than \$60,000 and I didn't have any health
139 insurance either. Naturally I wasn't able to get back out in the field to get any antlers that season,
140 so my 2022 was a total bust when it came to antlers. Based on my past years' performances, I
141 would estimate that that cost me another \$10,000 to \$15,000 in lost income too. The only thing
142 that saved me was when I hit the lottery in March 2023 and won \$32,500. I figured I should
143 share my good fortune with that Brook Hunt kid, who saved my life, so I sent Hunt a check for
144 \$5,000. I also gave another \$5,000 to the local Mountain Ranger troop. Those folks do good
145 work and I wouldn't be here today without them.

146 One word about the knife. I hear people talking around town – why does anyone need to
147 carry around a knife that big all the time. Well, I have a right to defend myself, and I live by the
148 principle “be prepared.”

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Robin Warren

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March 29, 2023

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STATE OF WYOMING
TENTH JUDICIAL DISTRICT COURT
COUNTY OF CARTER

ROBIN WARREN, Plaintiff)
)
vs.) Civil Action No.: 2023-CV-83-9632
)
FRANKIE ROSS, Defendant)

AFFIDAVIT OF BROOK HUNT

STATE OF WYOMING)
) SS
COUNTY OF CARTER)

I, BROOK HUNT, being of lawful age and duly sworn do hereby depose and state as follows;

I am 18 years-old and reside at 2399 North Canyon Road, Feather River, Wyoming. I recently graduated from Carter County High School and will be enrolling to attend Wyoming State University in the spring. In the meantime, I have been working as an assistant EMT with the Carter County Ambulance Service. It had been my plan to take a full “gap” year to save money for college, but in March 2023 I received a gift of \$5,000 from Robin Warren. In the letter that came with the check, Warren wrote to say, “Thank you for saving my life.” I certainly did not expect this generous gift, but I am very grateful because now I will be able to claim my place as a Wyoming State “Fightin’ Ferret” a little faster.

In the spring of 2022, I was a member of the Carter County chapter of the Mountain Rangers of America, Troop 307. The Mountain Rangers of America is an organization for young people like myself. It promotes and sponsors activities and events intended to get young men and women to put away their smart phones and get into contact with the wonderful natural world that

32 Wyoming is blessed with. I joined the Mountain Rangers when I was just 12 years old and rose
33 in the ranks until I was selected Troop Leader in 2022. I have completed just about every one of
34 the programs they offer, including emergency first aid which came in handy on April 30, 2022.

35 Every spring our troop of Mountain Rangers has helped the staff at Wyoming Game and
36 Fish manage the chaos that always comes with the start of antler season. As Mountain Rangers,
37 it's one of our primary duties to support local wildlife officials. Mostly we help the G&F staff
38 the checkpoints, where the antler hunters weigh and register their hauls of shed antlers. But in
39 2022 my job was a little different. The G&F people asked our adult troop-master whether we
40 could get a some of the senior Mountain Rangers in the field a few days early before the season
41 started. They wanted us to help patrol the national forest areas to watch for people trying to get
42 an unfair advantage by collecting antlers before May 1, the official start, according to G&F
43 regulations. I volunteered together with a couple of other Mountain Rangers, since any day spent
44 out in the woods and out of classes seemed like a good idea to us. We were issued red G&F
45 vests and maps. We were told to use our personal cell phones for communications, as much as
46 the cell service would allow. Our instructions were to call in and report to the G&F warden
47 assigned to our area for instructions and to report anything suspicious. We were supposed to
48 work in pairs, but on April 30, 2022, my partner came down with a sore throat and could not go
49 out. So, I went out solo that day, with everything I would need: water, cell phone, lunch, first-
50 aid kit and pocket knife. I never go out into the woods without them.

51 I was assigned to cover the Willow Creek drainage. My assigned warden was Sam
52 Chatterton, who told me to work my way up the west side of the creek until I got to the
53 headwaters and then come back down the east side. I was dropped off and headed up the creek
54 at 8:00 that morning. There wasn't much to see as I worked my way up the creek, but along
55 about noon, as I was nearing the headwaters, I thought I saw what looked to be signs that
56 someone or something had been in the area. Nothing definite, just some signs on the forest floor
57 that told me someone had passed this way recently, apparently pulling something along the
58 ground. Some disturbed pine needles. Some piles of leaves that looked like they had been
59 disturbed and what could have been drag marks. Even more suspicious was the absence of any
60 large antlers, because this was prime winter range for elk and deer and it was too soon for any
61 antlers to be harvested. That was when I ran into another person. Naturally I was a little surprised
62 to find anyone out there that day, but it's a free country, and, as long as they did not have any

63 antlers on them, it wasn't my business to tell them what they could do or where they could go. I
64 understood the limits of my official assignment that day. I did introduce myself and ask for a
65 name, but all they said was, "I'm Robin. Robin Warren." That name didn't mean anything to
66 me, so we went our separate ways.

67 When I got to the headwaters, I ate my lunch and called Sam Chatterton to check in. I
68 told Sam about meeting Robin Warren and Sam sounded interested. They started asking me a lot
69 of questions. What was Warren doing? Did Warren have any antlers with them? Sam told me
70 that Robin Warren had a bit of history with the G&F and had been cited for violations in the past.
71 Sam told me to keep my ears and eyes open as I was working my way back down the creek and
72 to let them know if I had any further contact with Warren. Sam also said to be careful, because
73 Warren had a bit of a reputation for trouble.

74 I was about half-way back down the east side of the creek, when I heard some voices in
75 the distance. I could not make out what they were saying, but they were quite loud. I headed off
76 in that direction and after about two minutes of bush-whacking my way through the willow beds
77 along the creek, I spotted two people, one of whom I recognized as Warren. As I got closer, I
78 heard a lot of cursing (I don't have to repeat exact words, do I?), and then one of them said,
79 "You better finish it, Frankie, or you will end up in the hospital just like Chris." I saw Warren
80 step toward the other person, but Warren had their back to me and I could not see Warren's
81 hands. It looked like Warren may have mis-stepped or slipped, because the next thing I saw was
82 Warren on their back and shouting, "Just let me get up and see who walks away this time."

83 That was when I got a good look at the other person in the clearing. This other person,
84 who I now know was Frankie Ross, was standing there and swinging that antler, holding it with
85 two hands like a club or a bat. Ross said, "You ain't walking away this time. I'm not Chris."
86 By this time Warren was back up and on their feet, but they still had their back toward me and I
87 still could not see their hands. From where I stood it looked as if both of them started to move
88 toward each other at the same time. Warren seemed to lunge or fall toward Ross, who was
89 swinging that antler back and forth. Suddenly, Warren screamed and I could see that Ross had
90 struck Warren with the antler just below the ribs. Almost immediately Warren collapsed and
91 rolled over a couple times, ending up on their back. I could see the front of Warren's coat was
92 red with blood. I ran forward and started wound compressions on Warren to try and control the

93 bleeding. Ross stood there muttering something under their breath. I am not completely sure, but
94 it that sounded like, “Serves them right. That last one was for Chris.”

95 I tossed Ross my phone and told them to call Sam Chatterton and get some help up here
96 fast. While Ross was calling, I was trying to maintain pressure on Warren’s wound. It seemed to
97 take hours, but in fact it was only about 40 minutes later, when Sam arrived with a team of forest
98 service rangers. They took over caring for Warren and got them secured on a litter to carry the
99 mile out to the road.

100 After the Forest Service crew left with Warren, Warden Chatterton took over the scene
101 and I helped inspect the area. We found a large cache of antlers in a nearby cave. We also found
102 a large hunting knife on the ground. It was over in the area where Warren and Ross had been
103 tussling and about 10 feet from where Warren had ended up on the ground after getting hit by
104 that antler. That was the first and only time I saw any knife at the scene. I filled out a short
105 statement for and gave it to Warden Chatterton before I left the scene.

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Brook Hunt

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April 20, 2023

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STATE OF WYOMING
TENTH JUDICIAL DISTRICT COURT
COUNTY OF CARTER

ROBIN WARREN, Plaintiff)
)
vs.)
FRANKIE ROSS, Defendant)

Civil Action No.: 2023-CV-83-9632

AFFIDAVIT OF SAM CHATTERTON

STATE OF WYOMING)
) SS
COUNTY OF CARTER)

I, SAM CHATTERTON, being of lawful age and duly sworn do hereby depose and state as follows:

I am a warden with the Wyoming Game and Fish Department. I grew up in Carbon County (Go Outlaws) and left town after high school to enrolled at Wyoming State University, where I studied wildlife management with a minor in law enforcement. I wanted to become a Game and Fish warden, but there were no openings when I graduated in 2008. So instead, I took a job with the Carter County Sheriff’s Office and found myself back in school, this time at the Wyoming Law Enforcement Academy in Douglas. I served as a Deputy Sheriff for five years, and then there was an opening for a warden’s position in Carter County. I reapplied and this time, I got the job. In 2013 I began my new career as a warden. I loved being a deputy, but nothing beats working with Game and Fish.

31 I still consider myself a law enforcement officer because I am responsible to enforce the
32 laws and regulations that govern Wyoming's wildlife resources. But that is just part of my job.
33 Most of my time is spent working with the public to promote public awareness and education
34 about our wildlife, so I give programs at schools and civic groups. I also get out into the field and
35 work to preserve and restore habitat. There is still some desk work, but most of my time is spent
36 outdoors in the heart of some of the prettiest country that you could imagine.

37 The springtime has always been my favorite time of the year. I never tire of watching the
38 woods and wildlife awaken from a long winter. In recent years that pleasure has been somewhat
39 tempered by the annual madness of shed season. Years ago, gathering sheds was more of a
40 family affair, a way to get the cobwebs out and reacquaint yourself and your kids with the natural
41 world. But over the years things evolved and not for the better. Now, it's a mob scene at the start
42 of gathering season, as shed hunters jockey for an advantage.

43 Everyone wants to get a good start when the season officially opens and maybe get the
44 jump on the other gatherers. I have to ride herd on a growing crowd, many of whom don't know
45 the first thing about the animals whose antlers they are chasing and frankly couldn't care less.
46 Nowadays it seems it's all about the money, for both locals and nonresidents. Some of the worst
47 offenders are our own home-grown heroes. They think they own the forest and everything in it
48 exists for their benefit. When shed season approaches, they will do just about anything to get an
49 edge over the people who are following Game and Fish regulations. Sometimes that means
50 gathering and removing antlers early and trying to sneak them out under the cover of darkness.
51 One shed hunter drowned when he tried to raft a load of poached antlers down the Snake River
52 over by Jackson. Sometimes they gather and hide their antlers in caches, ready to pack out when
53 the season has started. That violates state law and regulations, and I will enforce the law and
54 regulation regardless of what color the license plates on their trucks may be.

55 The Wyoming Legislature gave Game and Fish the authority to regulate collection of
56 antlers on the western side of the Continental Divide. And that's exactly what Chapter 61 of our
57 rules and regulations does by establishing a season for gathering sheds beginning on May 1.
58 (Game and Fish emergency rules closed the season for a little longer in 2023, to ease pressure on
59 wildlife after a bad winter.) And "collect" includes a lot of things besides picking them up.
60 Chapter 61 says: "Collect means to search for, locate, stockpile or possess shed antlers and horns

61 of big game animals on public land or attempt to search for, locate, stockpile or possess shed
62 antlers and horns of big game animals on public or state land during the closed season”

63 I am not opposed to shed hunting. It does a lot of good, when it doesn't go overboard.
64 The out-of-town money that the foreign hunters and buyers bring with them is always
65 appreciated by our local motels, bars and merchants. Also a portion of the proceeds from the
66 main auction is always set aside for wildlife projects, which is a big help when our revenue is
67 down. I do think the business must be regulated, and everyone must obey the rules.

68 I have been aware of Robin Warren and the games they've played over the years. In fact,
69 I was the one who caught up with Robin back in 2015, when they were trying to bring out a
70 pack-train loaded with poached antlers a full week before the season was to begin. It isn't easy
71 to catch the cheaters, because there are many legitimate reasons to be out in the woods on any
72 given day. We get reports from the public of “suspicious activity,” and we investigate every one
73 to the best of our ability. We appreciate the fact that the public supports enforcement of Chapter
74 61, because it creates a level playing field, and we appreciate the tips we get. But, frankly, the
75 only way to tell a poacher from a hiker is to catch them with the goods. Every spring, starting in
76 April, I spend as much time as I can scouting the area and looking for suspicious activity and
77 investigating public tips. For the past few years we have recruited help from the local chapter of
78 the Mountain Rangers of Wyoming. Those kids are a great help. They are instructed to report
79 back to Game and Fish and not confront anyone in the field.

80 I knew Frankie Ross, too. Frankie used to be an avid shed hunter, but they seemed to get
81 religion a couple of years ago. Now I was more likely to see Frankie picketing the auction barn
82 and arguing with folks that this whole business should be shut down. Game and Fish gets quite a
83 few tips about suspected poaching from Frankie. I also have heard stories that Frankie and some
84 of their friends have been known to disable the vehicles of shed hunters, particularly out-of-state
85 people. They have never been caught, but I've seen the damage.

86 On April 30, 2022, I was working up in the John Coulter National Forest north of Carter
87 City. I had a couple of Mountain Rangers that were helping me, including young Brook Hunt.
88 Brook is a good kid, trust-worthy to make a good report. I told Brook to work up one side of
89 Willow Creek and then to cross over and come back down the other side to the road, where I
90 would pick them up. Brook had a cell phone and was instructed to call me with any news. You
91 can get a couple of bars of cell service almost everywhere out there. I remember getting a call

92 from Brook at around noon. They reported they had been up to the headwaters of Willow Creek
93 and had met up with Robin Warren. That last item got my attention. If Warren was out there, I
94 could only assume that Warren was up to something. I told Brook to keep their eyes and ears
95 open and to let me know if they had any further contact with Warren.

96 I went down to the Forest Service Station on Carter County Road 33A and was swapping
97 stories, drinking coffee and swatting flies with the Forest Service folks, when I got a call from a
98 number that I recognized as Brook's. I was surprised when I heard Frankie Ross identify
99 themselves as the caller. Frankie said that they needed help really bad up on Willow Creek.
100 They said that Robin Warren had gotten hurt and that Brook was trying to stop the bleeding.
101 When I asked what had happened, Frankie said, "Look, Robin is lying here with a five-point elk
102 antler in their gut and bleeding out. I can explain later. Right now we need help and we need it
103 fast. We are about a mile up from where Willow Creek hits the road, so get moving now."

104 The Forest Service staff and I left immediately. We tore up the road to Willow Creek in
105 my truck, and then we beat our way up Willow Creek to where we found them. Warren was still
106 conscious but just barely. I told the Forest Service team to make a litter and get Warren down to
107 the road for transport. Then I called the Carter County Hospital and told them we were going to
108 need a helicopter scrambled to meet them at the road. Just before they left, I asked Warren if they
109 had anything they wanted me to know and Robin seemed to be in a lot of pain, but they were
110 conscious and responded to me. They said, "I'm sorry, Sam. Frankie got lucky with that antler."
111 Once they were off and down the trail out to the road, I looked over the scene and had a chance
112 to talk further with Hunt and Ross, who both gave me written statements.

113 During my inspection, I identified and took possession of the elk antler that had injured
114 Warren. I also took note of a small pile of other antlers at the mouth of a cave. Upon further
115 inspection I found a substantial quantity of antlers inside the cave itself. I also found a large
116 hunting knife on the ground about 10 feet from where Warren had been lying when I arrived. I
117 prepared a sketch of the general area for my report. That sketch is not to scale, but it does
118 reliably reflect the general location and scene. I also took brief written statements from Hunt and
119 Ross, before leaving the scene. I wasn't able to interview Warren immediately, but I did get a
120 written statement from them, as well, once the doctors said that Warren was able to handle it.

121 It was not my place to press charges relating to the injury. That was a matter for the
122 Sheriff's Office and the County Attorney. If I had still been a Deputy, I think I would have cited

123 Ross for assault with a deadly weapon, but my G&F jurisdiction extended to violations of the
124 wildlife laws and regulations. I did cite Warren for collecting antlers out of season. That was the
125 only violation I could identify

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Sam Chatterton

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April 15, 2023

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STATE OF WYOMING
TENTH JUDICIAL DISTRICT COURT
COUNTY OF CARTER

ROBIN WARREN, Plaintiff)

vs.

Civil Action No.: 2023-CV-83-9632

FRANKIE ROSS, Defendant)

AFFIDAVIT OF FRANKIE ROSS

STATE OF WYOMING)

SS

COUNTY OF CARTER)

I, FRANKIE ROSS, being of lawful age and duly sworn do hereby depose and state as follows:

Robin Warren is a con artist and a bully. When I caught them at their usual tricks with a cave full of antlers, they attacked me and so I defended myself. When Robin ended up with an antler in the gut, I felt bad. Sure, I did. But now Robin wants to say that I'm the one who should pay their bills. No way. Robin came after me with a knife and I was just protecting myself with the only thing I could get my hands on in time. If I hadn't stopped Warren, there is no doubt in my mind that I would have been found dead, gutted and dressed out.

I am 34 years old and live just outside Carter City. After graduating from Wyoming State University with my bachelor's degree in teaching, I went to work with the Carter County School District. I currently teach math in the junior high school.

Growing up in Carter City, I used to participate in the shed antler round ups every spring starting back when I was a teenage Mountain Ranger, like that kid Brook Hunt. We would go out and collect antlers to sell to the commercial buyers. We made pretty good money too. Every

32 dollar we raised went back to the troop in the form of new equipment. After I grew up and left
33 the Mountain Rangers, I hunted sheds for myself when I needed some extra cash. I am not proud
34 of it, but I used to bend the rules like everyone else, when it came to getting out in the field
35 before the season opened. In fact, I was cited and paid a fine in 2012 when I was caught hauling
36 out a load of antlers a week or so ahead of opening day. Apparently, someone turned me in. I
37 learned later that the rat was none other than Robin Warren, one of the biggest cheats in the shed
38 antler business.

39 But I stopped hunting for sheds altogether a couple of years ago, when my cousin Chris
40 Carey explained to me that harvesting the antlers actually hurt the animals and the environment.
41 First, the elk and deer don't need the harassment of having hordes of yahoos crashing through
42 the woods while the animals are trying to recover from the rigors of a Wyoming winter. That is
43 especially true for cows and does carrying calves and fawns. The animals are on critical winter
44 range, and they need to be left alone. Second, those antlers are an important source of nutrients
45 for the other critters out there. I learned that rodents in particular love shed antlers - mice,
46 squirrels and porcupines will gnaw on antlers for their nutrients and to wear down their ever-
47 growing teeth. Even bears, foxes, opossums and otters have been known to eat antlers. In short,
48 my cousin Chris Carey taught me that was better for everyone to just let those antlers lie out
49 there, where they were doing some good rather than being made into some tourist trinket or a
50 chew toy for someone's dog. Sure, I missed the money I used to make off the antlers. Lord
51 knows we could all use a little extra cash in the Spring, especially with the cutbacks they have
52 been making at the school district. But Chris was right, and he convinced me.

53 Just about everyone in Carter County knows Robin Warren. It seems Robin was always
54 getting involved in some kind of get-rich quick scheme, some of them a little more shady than
55 others. But I have to admit that with the exception of that one time back in 2015, when Robin
56 was found up in the hills with a pile of antlers squirreled away two weeks before the antler
57 hunting season opened, they seemed to live a charmed life. Sure, Robin got busted that time, but
58 even then they got off with just a small fine. Robin always seemed to be one of the first antler
59 hunters to get their antlers into town, which meant that Robin always got the best prices for their
60 haul from the dealers. People wondered how Robin managed that year after year. It just didn't
61 seem natural. There was talk around town that Robin was up to the old tricks, but no one could
62 prove it. Game and Fish checked out our tips, but ... nothing. Also, you wanted to be careful

63 about what you said, because Robin has a temper and was known to carry a large hunting knife
64 everywhere..

65 A couple of years ago, in April of 2020, my cousin Chris had a run-in with Robin. Chris
66 and I were at the Rusty Hawken Bar one night, when Robin blew in and started buying drinks for
67 some friends. It was just before the start of antler season, and Robin was boasting they were
68 going to break the bank this year, because they knew where all the best antlers were to be found.
69 Typical Robin.

70 Well, Chris went over and told Robin that they and their friends were nothing more than
71 a bunch of leeches living off the lifeblood of our wildlife. Robin pulled out their hunting knife,
72 said they intended to bring in a couple hundred pounds of antlers and asked if Chris was going to
73 do anything about it. Chris grabbed a chair and smashed it over Robin's head. Robin dropped the
74 knife – which I was glad to see, because it was big and sharp and could do real damage. And
75 then Chris and Robin went at it, throwing punches and putting in a few wrestling moves, until I
76 was able to get them separated with the help of the other regulars. They both ended up in the
77 hospital, but Chris got the worst and was pretty badly banged up.

78 In 2022 Chris asked me to help patrol the forest to watch for antler poachers during the
79 weeks running up to the opening day. I agreed to help, when I could. On the night of April 29, I
80 met up with Chris at the Rusty Hawken to compare notes and make plans for the next day. We
81 saw Robin at a table talking with Shannon Kendrick, one of the biggest antler dealers who
82 always came to town for the season. I could't hear everything they were saying, because the bar
83 was crowded and the band was cranked up pretty loud, but I could make out some of the
84 conversation. I heard Robin say something about having stacks of antlers up on Willow Creek. I
85 figured that Robin had been out poaching one more time and this might be my chance to catch
86 them in the act.

87 That is how I found myself bushwhacking my way up Rock Creek on April 30. I planned
88 to walk up to the headwaters of Rock Creek and then cross over the pass into the Willow Creek
89 drainage. Then I would work my way back down Willow Creek toward the road looking for
90 Warren. Chris said I could call and he would come pick me up where the creek crossed the
91 county road, CC-33A. Cell service was pretty good in that area.

92 As I was coming down Willow Creek I started to see signs that someone had been
93 through the area recently. There were tracks and other indications someone had passed through

94 within the past day or so. I also noticed there were no large antlers anywhere, which was pretty
95 unusual, since Willow Creek was a known wintering ground for elk and was one of the places
96 where I had always had luck in my days as a gatherer. Then I came around a rock outcrop and
97 saw a pile of antlers on the ground and someone coming out of what looked like a cave mouth. I
98 couldn't see who it was at first, since they had their back toward me, but it came as no surprise
99 when they turned around and it was Robin Warren.

100 When I asked Robin what they were doing up here, they told me it was none of my
101 business and that I better just shove on off down the creek. Robin added, "You better forget
102 what you saw, if you know what's good for you." That was when I noticed that Robin had pulled
103 their hunting knife out. No one was going to run me off like that, and I told Robin I had a pretty
104 good idea about what was going on and I was not about to let them get away with cheating again.
105 When Robin came toward me with that knife drawn, I looked around and saw some loose antlers
106 on the ground, so I grabbed one and told Robin to back off. I guess I raised my voice. I was
107 pretty agitated. Then Robin said they were going to finish it here and now, just before lunging at
108 me. I guess they must have slipped, because the next thing I saw was Robin on their back lying
109 on the ground. That knife must have fallen out of their hand, because it was just lying there on
110 the ground. I tried to get over to kick the knife away, but I was too slow. Then I saw Robin stand
111 up again with that knife in their hand, before I could stop them. Robin made another lunge at me
112 and I swung that antler at them to protect myself. I don't know if I hit Robin or if they slipped
113 again and fell toward me, but that antler hit Robin in the gut and that's when I heard them
114 scream.

115 I couldn't believe what had just happened. Robin was down and rolling around screaming
116 like a stuck pig. Blood was everywhere. I didn't know what to do. Right then that Mountain
117 Ranger kid, Brook Hunt, busted out of the woods, pushed me aside and started to attend to
118 Robin. Hunt began to apply pressure to Robin's wound and tossed me a phone, telling me to dial
119 the last number on the "called" list. I got through to Sam Chatterton and told Sam where we were
120 and to get there fast. Sam said they would be there in just a few minutes with help. It seemed to
121 take forever, but thank God they were able to make it in time. Hunt and I tried to control the
122 bleeding and to keep Robin comfortable, while we waited for Sam. Sam showed up with a team
123 from the Forest Service and they made a litter and hauled Robin down to the road, where they

124 were met by a helicopter to make an emergency run to the hospital. I truly am glad Robin is
125 okay.

126 Sam asked me for a statement, which I provided at the scene. Sam also looked in that
127 cave and discovered a large stash of antlers, which proved to me that I had been right about
128 Robin all along. Later I heard that Sam tried to get me charged with assault, but the county
129 attorney refused to press any charges. Now here comes Robin with this lawsuit trying to hold me
130 responsible for something that was their own fault. If they hadn't been up there trying to cheat –
131 and if they hadn't come after me with that knife -- none of this would have happened.

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Frankie Ross

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March 20, 2023

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STATE OF WYOMING
TENTH JUDICIAL DISTRICT COURT
COUNTY OF CARTER

ROBIN WARREN, Plaintiff)
)
vs.) Civil Action No.: 2023-CV-83-9632
)
FRANKIE ROSS, Defendant)

AFFIDAVIT OF CARROL CRANE, Ph.D.

STATE OF WYOMING)
) SS
COUNTY OF CARTER)

I, CARROL CRANE, being of lawful age and duly sworn do hereby depose and state as follows:

I am a wildlife biologist on the faculty of Wyoming State University. I did my undergraduate work at the University of Wyoming and then earned my doctorate from Wyoming State University in 2001. My areas of specialty include the study and management of the wild ungulate herds of the Northern Rocky Mountain Region. Most recently I have been working closely with the Wyoming Game and Fish Department monitoring the overall condition of the elk herds here in Carter County. That work includes tagging, collaring and tracking animals in some cases for years at a time. One of the primary purposes of my work is to ensure elk herds of Carter County and of Wyoming generally will continue to be part of the heritage of our state. To achieve that end, we must maintain habitat, manage the pressure that human activities place on the animals and take additional actions whenever necessary to preserve the health of our animals.

31 Antler hunting is an example of one kind of human activity that has become an increasing
32 issue for us. When I was a kid, I went out with my mom and dad in the spring looking for
33 antlers. It was fun and it got us out of the house after those long Wyoming winters. Sometimes
34 we got lucky and made enough money to pay for the gas and even put some extra allowance into
35 my pocket. We might run into some of our friends and neighbors out there, but it was a rare day
36 when you saw anyone who did not have a county 24 license plate on their truck. But that was
37 then and those days are long gone.

38 Problems arising from shed antler hunting became apparent and significant in the 1990s.
39 Game and Fish wildlife managers and the public observed an increase in big game harassment on
40 crucial winter ranges, primarily by photographers and shed antler hunters. Their activity forced
41 elk and deer off open ridges and into deep snow conditions, and wildlife managers observed an
42 increase in mortality on crucial winter ranges, especially after hard winters. The problem only
43 worsened over the next 15-25 years with the use of off-road vehicles to reach that crucial range.
44 Remember that the state owns all game animals in Wyoming, on state, federal and private land.
45 These are our animals.

46 Over time, some antler hunters were motivated by the growing market for antlers to
47 collect all the sheds earlier in the year, from January to March. Every time the prices went up,
48 more and more people started collecting earlier and earlier, putting more and more stress on the
49 hers.

50 At first it was the dealers from Asia, who bought the antlers for various medicinal
51 purposes and created an international market for the antlers. That drove up the prices even higher
52 and made it possible for gatherers to make some real money. Antlers also were coveted for use
53 in arts, furnishings and jewelry. Things have only grown worse in recent years, because now
54 there is a new domestic market for dog chews. You can buy a 30 pound elk rack for \$15-\$18
55 dollars a pound, cut those antlers up into 6-inch chew toys for dogs and sell them for as much as
56 \$2.50 an ounce. Do the math. Those kind of profit margins mean there is even more money in
57 play and more people trying to cash in. More people, more pressure and more problems for our
58 elk.

59 In the years between 2000 and 2009, big game harassment had become a serious
60 problem. In 2008 the Legislature finally gave Game and Fish the authority to regulate shed
61 collections between January and May, and the agency adopted Chapter 61 prohibiting “antler

62 collection activities” on public lands west of the Continental Divide January 1 to May 1. Note
63 there was still no license or permit required by Game and Fish to hunt or collect shed antlers in
64 2022. However, in response to increased concern over big game, and in response to public
65 complaints about competition, new laws and rules will require non-resident antler hunters to buy
66 a conservation stamp and will also gives Wyoming residents a weekhead-start on the gathering.
67 Out-of-state hunters will have to wait until May 8 before they can legally gather sheds. Most
68 responsible antler hunters support Chapter 61 and cooperate with Game and Fish to enforce the
69 regulation. Of course, it didn’t solve the problem completely.

70 You still have flagrant violators who take advantage of technology and tools to get the
71 jump on the rest of the public. Game wardens get reports from the public of suspected illegal
72 antler gathering activity, and those reports are investigated. I also am very interested in studying
73 and documenting this activity in order to assess and measure the impacts on big game.

74 The opening day always attracts all kinds of shed antler hunters, and the gathering creates
75 a kind of festival atmosphere. Over the last 10 years I have been collecting data so we can
76 document the impact on our herds of this pitch of activity. It’s not just the elk that are affected
77 by the growing influx of antler hunters combing the woods for shed. All big game suffers stress.
78 I make it a point to get out at least two weeks before the season, so I can establish a baseline for
79 the condition of the herds. I try to stay out there for at least a month after the start of the season,
80 so I can observe the impacts on the cow elk and the calves. In 2022 I was focusing my work in
81 the Rock Creek and Willow Creek drainages, which are well-known wintering grounds for elk
82 and deer. That is why I was up in that area on April 29, 2022, the day I ran into Robin Warren.

83 I was working my way up the west side of Willow Creek tracking some of our collared
84 elk. It is really important to keep close tabs on those animals during the spring, when they are
85 starting to migrate from their winter ranges to their spring and summer ranges. I believe that the
86 activities of antler hunters pose a real threat to the migration patterns of our herds, particularly
87 because of the increasing numbers of shed hunters that are out there. It is bad enough, when the
88 season opens on May 1, but every year it seems we are seeing more and more people going out
89 early trying to poach antlers out of season.

90 Well, I was about a mile and a half up from the place where Carbon County Road 33A
91 crosses Willow Creek, when I saw someone on the east side of the creek. They were wearing a
92 red hat and camouflaged jacket. I couldn’t make out who it was, but I could see they had an elk

93 antler in their hands. I lost sight of them as I was trying to find a good place to cross the creek,
94 but I saw what looked like their trail once I got over to the east side of the creek. About a half
95 mile later, I came around a thicket of aspen and walked right into Robin Warren. Warren had on
96 a red hat and camouflage jacket, just like the person I had seen earlier. Their hands were empty,
97 but their gloves and pants were covered with fresh mud and dirt.

98 Warren and I were well acquainted with each other. They attended some of my lectures at
99 Wyoming State University and we had spoken around town. Warren did not agree with me,
100 when I argued that we needed to more strict regulations for the shed hunters. Warren said that
101 the antlers were a gift of nature and it was far better for folks like them to make a little money off
102 them rather than letting the rodents and other forest critters gnaw them to pieces. As far as
103 Warren was concerned, the idea of an antler season was just another governmental regulation
104 intended to deny people the chance to make a quick buck off the public lands, and Chapter 61
105 didn't mean anything.

106 I asked Warren what they were doing up here and they said that they had just come out to
107 get a leg stretch before the shed hunt began. I asked Warren whether they had seen any antlers
108 during their walk, but they just said "no." It was starting to get late and I needed to get back to
109 my truck, so I started to head down the east side of the creek back along the way that Warren had
110 come from. That's when Warren blocked my way. They said that the snow was too deep on this
111 side of the creek and that I would do a lot better, if I would just get back over on the west side. I
112 said I intended to go back down on the east side, where Warren had come from. When I said
113 that, Warren came right up and got into right in my face. They said, "I'm telling you that the
114 snow on this side is too deep. You need to go back across to the west side. You try going down
115 this east side and you are going to be getting into something way over your head."

116 As Warren was speaking, I couldn't help but notice that their right hand had reached
117 down to a large hunting knife on their belt. Then I heard the snap on the knife sheath pop and
118 saw Warren grip the knife handle. They did not pull the knife out of the sheathe, but when I
119 looked into Warren's eyes, I could see that they were not fooling. Well, I had heard about how
120 Warren had had that brawl with Chris Carey a couple of years earlier and I wasn't about to start
121 anything out there, when they had a knife and all I had was my radio tracking antenna. I decided
122 that I would try to deescalate the situation and make light of it, rather than pushing back. I just

123 said, "Okay. Don't get so worked up. I can do my radio tracking from the west side just as good
124 as from the east side." Then I turned around and did just that.

125 That was the last time I saw Warren that day. When I got back to my truck, I thought
126 about calling the Forest Service to report the incident, but what was I going to tell them? Sure,
127 Warren had given me a good scare out there, when they reached for that knife, but there weren't
128 any witnesses and in the end nothing had happened. Besides it was late and I needed to get home.
129 So, I let it go and never gave it another thought, until I heard about this incident with Frankie
130 Ross and this lawsuit. I couldn't help thinking that I could have been the one trying to fend
131 Warren off with an antler, if they had decided to come after me that day. That was when I
132 figured I should come forward and tell my story.

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134

135

Carrol Crane

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April 1, 2023

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STATE OF WYOMING
TENTH JUDICIAL DISTRICT COURT
COUNTY OF CARTER

ROBIN WARREN, Plaintiff)
)
vs.) Civil Action No.: 2023-CV-83-9632
)
FRANKIE ROSS, Defendant)

AFFIDAVIT OF SHANNON KENDRICK

STATE OF WYOMING)
) SS
COUNTY OF CARTER)

I, SHANNON KENDRICK, being of lawful age and duly sworn do hereby depose and state as follows:

I may be from Denver, but when April and May come around my home away from home is a corner booth at the Rusty Hawken Bar and Grille in Carter City, Wyoming. That is where I do my best business. I buy, sell and trade for antlers and there is no better place for my work than right here in Carter County. I used to do my trading in Teton County, but over the years that area got more and more “Californicated” and I hate getting tied up doing deals with dudes in buckskins and all that red tape. Between the state, the feds, the county and those animal rights extremists, it just got too hard to focus on what I do best: making deals, buying antlers and making money. I have been coming to Wyoming for 36 years and, now that I’ve moved my operation over to Carter County, I plan to keep coming just as long as elk keep dropping antlers and the good Lord lets me.

31 In a good year, I will buy between \$140,000 and \$200,000 worth of antlers and I would
32 guess that 70-80 percent of that business is done during the window in early May and June, when
33 the snow melts and people can get out into the woods looking for sheds. We all suffered a set-
34 back in 2021, when a lot of the big sales were cancelled or went on-line due to Covid. Ours is a
35 business best done live and in person. I still like to close my deals with a handshake. Yeah, 2021
36 was a disappointment, but that just sharpened our expectations for the 2022 season.

37 The price for a set of antlers depends on two things, the grade of the antlers and the
38 market. The grading sounds simple, but there is an art to assessing just how much an antler may
39 be worth. The highest grade is the Grade A Brown Antler. They don't have any cracks and are
40 generally a dark color, which makes them more desirable. The brown color is the result of age,
41 genetics, environment and nutrition. In 2022 Grade A's were bringing \$18 a pound and truly
42 exceptional sets could bring even more than that, sometimes two or three times as much. Next
43 you have the Grade B Hard White antlers. These have small micro cracks and may be sun
44 bleached or faded. In 2022 I was paying \$12 a pound for Grade B's. At the bottom of the scale
45 are the Grade C or Chalk antlers. They have large cracks and a rough and flaky surface. They
46 may bring \$3 a pound.

47 I like to think I have a good reputation up here in Carter County. I use honest scales and I
48 don't try to play games with the grading. Also, I always pay with cash right there on the spot.
49 Those folks have worked hard to get out and gather those sheds and they have earned their
50 money. There is no reason they should have to wait a week or more for my check to clear.

51 Over the years I have come to know all the regular hunters up here in Carter County, both
52 local and out-of-state. I've done business one time or another with most of them, including both
53 Robin Warren and Frankie Ross. I like them both and I hate having to testify in this lawsuit.
54 The way I see it, there are no winners when the lawyers get involved.

55 I haven't seen Frankie Ross much recently. I heard they got out of the business a couple
56 of years ago. Some folks say Frankie got religion and threw in with the enviros. I don't know
57 about that, but I do remember that time in 2012, when Frankie got stopped and cited for
58 collecting out of season. The way I heard it, Robin Warren snitched on Frankie, which was a
59 dirty low-down trick to play on a friend. It's sad, but that is how things work now. I guess
60 there's just no room for friendship in this business. What with all the outsiders trying to get a
61 piece of the action, sometimes you need to bend the rules a little, particularly if the locals want to

62 stay in business. Frankie seemed to drop out of the scene for the past few years and I didn't hear
63 too much more about Frankie before the commotion that caused this lawsuit.

64 Robin Warren, on the other hand, was always one of my best sources. They always
65 seemed to have great antlers and lots of them. They also seemed to be one of the first, if not the
66 first, person to show up ready to do business once the season opened, which meant that I could
67 get the antlers off to my buyers before my competition. Delay means a missed sale. In 2022, I
68 ran into Robin at the Rusty Hawken on April 29, The town was filling up with a lot of eager
69 antler hunters, and the bar was really jumping. Every table was full of people laughing and
70 shouting, and they had a band playing loud country music. You had to yell to talk to anyone.
71 When I asked Robin how they were doing, they told me that they were going to need my help to
72 handle one heck of a load of antlers this year. Then Robin gave me a wink and said, "Just
73 between you and me, I have been working, up there along Willow Creek. I have a stack of
74 antlers piled up there just waiting for me to pick them up and start bringing them into town once
75 the season opens."

76 Robin said that they planned to go back up there the next day to stand guard and make
77 sure the antlers were not disturbed. I asked Robin how big the pile was and they said I'd better
78 have a pretty fat wallet, because they estimated that it was about 500 pounds or more of Grade A
79 sheds. I told them to be careful and not talk so loud in a room full of their competition. I told
80 Robin they would know where to find me, when they were ready to sell. As Robin was leaving,
81 they said they needed the money real bad this year, because 2021 had been such a bust. Then
82 Robin said in a kind of loud voice, "Nobody's gonna get in my way or try to stop me this year.
83 If I see anyone near my stack, there's gonna be some fresh bones out there for some lucky
84 coyote." As Robin was speaking, they swept back their coat and I could see that big old hunting
85 knife that they always wore. That knife could do some damage, and it looked like Robin wanted
86 to let everyone know about it.

87 While Robin and I were talking, I'm almost positive I saw Frankie Ross sitting at a table
88 a few feet away talking to their cousin, Chris Carey. I don't think they were close enough to hear
89 anything that Robin said. Of course, you can't be sure about that either. Seems like you almost
90 have to shout to hear yourself think on some nights down at the Hawken and things were sure
91 hopping that night.

92 Next thing I heard, Robin was in the hospital after some kind of fight with Frankie Ross.
93 I put two and two together. Based on what I knew, it seemed to me that Frankie must have
94 stumbled onto Robin's cache and Robin took exception to this intrusion. As far as I was
95 concerned, it really doesn't matter who started the fight or why. I come to Carter County to buy
96 antlers. I am here today for only one reason -- because I was subpoenaed to be here. The only
97 thing I am sad about is that whoever's cache of antlers that was found up there that day, it was
98 confiscated and I never got a chance to buy it.

99

100

Shannon Kendrick

101

April 25, 2023

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EXHIBIT 1

Photo of antler used in stabbing



EXHIBIT 2

Photo of Robin Warren's Knife



EXHIBIT 3**Wyoming Game and Fish Regulations,
Chapter 61 Collection of Shed Antlers****CHAPTER 61****COLLECTION OF SHED ANTLERS AND HORNS**

Section 1. Authority. This regulation is promulgated by authority of Wyoming Statutes § 23-1-103 and § 23-1-302.

Section 2. Definitions. In addition to the definitions set forth in Title 23 of the Wyoming Statutes and Chapter 2, General Hunting Regulation, the Commission also adopts the following definitions for the purpose of this chapter:

(a) “Antlers” mean the bony, deciduous appendages protruding from the heads of members of the deer family (Cervidae), including deer, elk or moose.

(b) “Collect” means to search for, locate, stockpile, or possess shed antlers and horns of big game animals on public land or attempt to search for, locate, stockpile, or possess shed antlers and horns of big game animals on public land.

(c) “Horns” mean the hard, permanent appendages protruding from the heads of bighorn sheep, mountain goats or pronghorn antelope.

(d) “Public land” means federal lands and lands owned or administered by the Commission.

(e) “Shed” means having become naturally separated from the skull.

Section 3. Collection of Shed Antlers or Horns. No person shall collect shed antlers or horns from big game animals on public land west of a line beginning at the Wyoming-Colorado state line at the intersection of U.S. Highway 287, northerly along said highway to U.S. Highway 30-287; northwesterly along said highway to Interstate Highway 80; westerly along said highway to the Pacific Branch of the Continental Divide; northwesterly along said divide to the southern boundary of Yellowstone National Park; westerly along said boundary to the Wyoming-Idaho state line, from 12:00 a.m. January 1 through 6:00 a.m. May 1 of each calendar year.

Section 4. Exceptions. Department personnel and elk feeders under contract with the Department may collect antlers on Department elk feedgrounds during the closed season dates specified in Section 3 only when the collecting of such antlers is part of their official duties. All antlers collected by Department personnel and elk feeders on Department elk feedgrounds are property of the Department and shall be disposed of in accordance with the Commission policy VIJK “DISPOSITION OF ELK ANTLERS”, dated December 7, 1999, and which does not include any later amendments or editions of the incorporated matter. This Commission policy can be viewed at regional offices and the Headquarters Office of the Department.

Dated: November 17, 2020

EXHIBIT 4

Wyoming Antler Hunting Regulation Area Map

Wyoming Antler Hunting Regulation Area

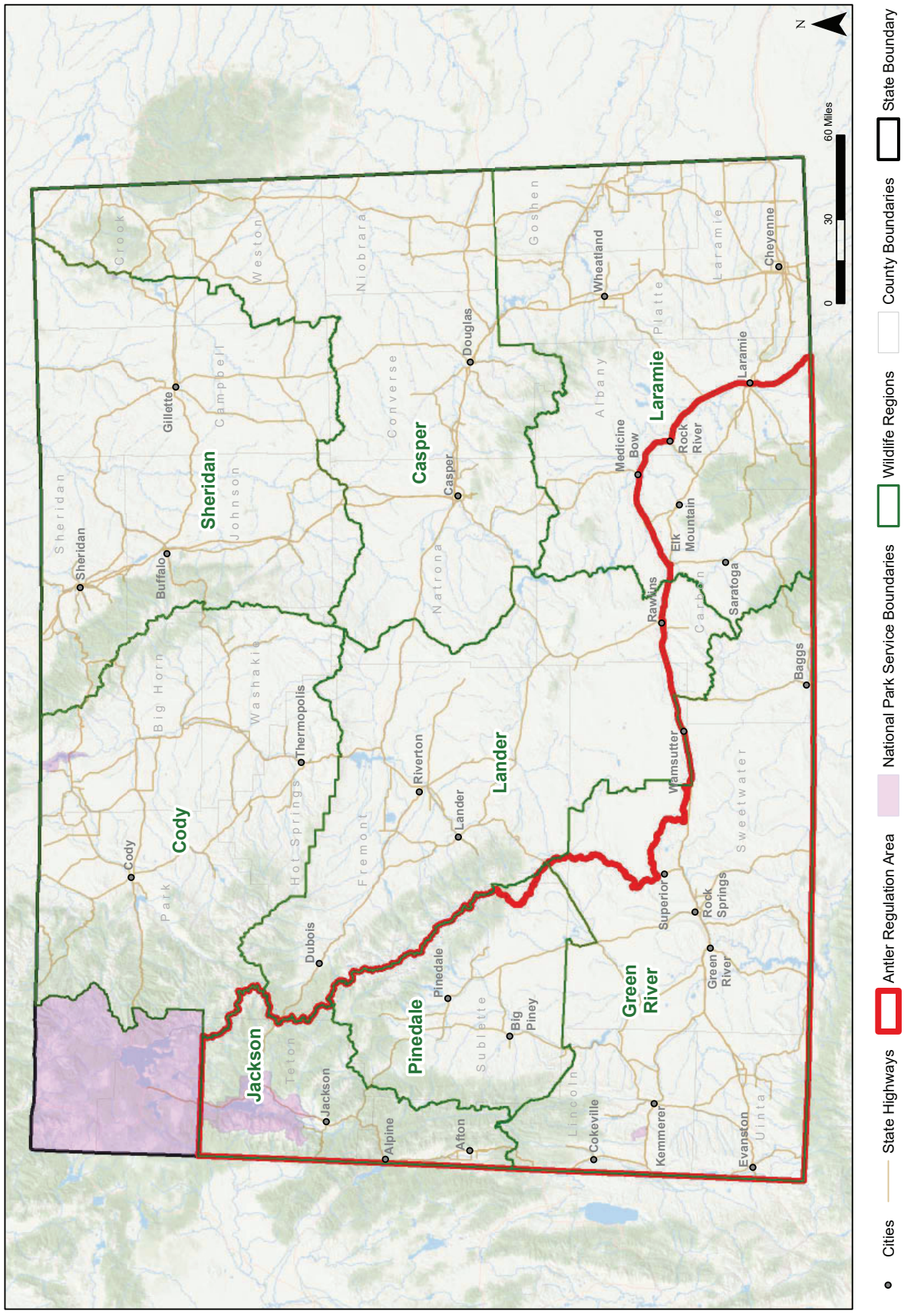


EXHIBIT 5**Shed Antlers Price List**

AntlerMarket.net

AntlerMarket.net delivers the most accurate and current pricing of Elk, Whitetail, Mule and Moose antlers. Prices are estimates and are updated daily, based on information from buyers, sellers and brokers. (Prices posted on May 1, 2022)

Elk

Grade A:	\$18.00 a pound
Grade B:	\$12.00 a pound
Grade C:	\$3.00 a pound

Whitetail Deer

Grade A:	\$13.00 a pound
Grade B:	\$7.50 a pound
Grade C:	\$2.00 a pound

Mule Deer

Grade A:	\$13.00 a pound*
Grade B:	\$7.50 a pound*
Grade C:	\$2.00 a pound*

Moose

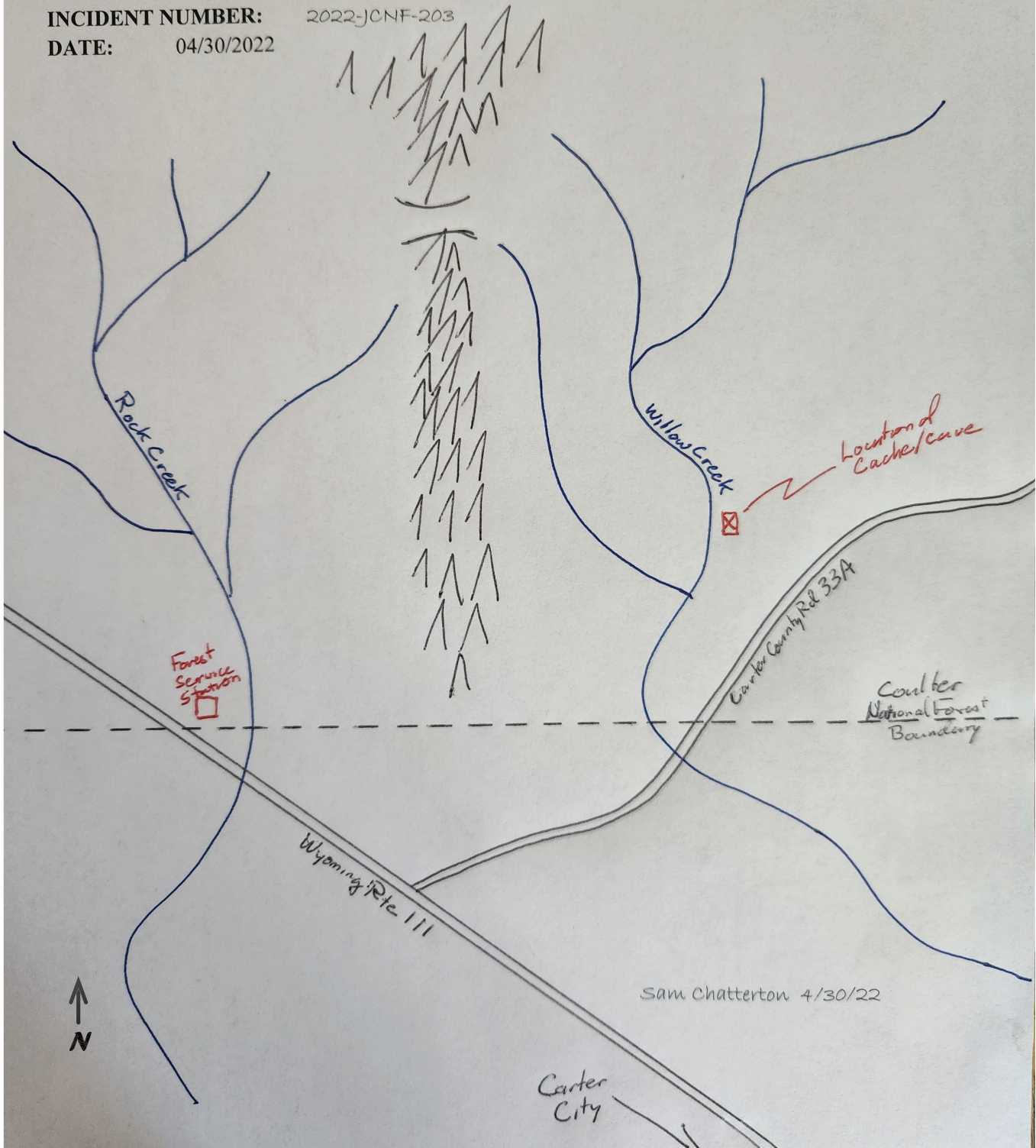
Grade A:	\$13.00 a pound
Grade B:	\$7.50 a pound
Grade C:	\$2.00 a pound

EXHIBIT 6

Warden's Map of Willow Creek Area

WYOMING GAME AND FISH SUPPLEMENTAL REPORT

REPORTING WARDEN: SAM CHATTERTON, BADGE NO. 353
INCIDENT NUMBER: 2022-JCNF-203
DATE: 04/30/2022



**WYOMING GAME AND FISH
INCIDENT WITNESS STATEMENT**

REPORTING WARDEN: SAM CHATTERTON, BADGE NO. 353
INCIDENT NUMBER: 2022-JCNF-203
DATE: 04/30/2022
WITNESS NAME: Frankie Ross
ADDRESS: 84 County Road 43
Carter City, WY 82997
TELEPHONE: 307-376-4003
EMAIL: mathmajorfrankie@ccsd#1.net

STATEMENT:

The only reason that I hit Robin Warren with that antler is that Warren was coming at me with a knife. I had found Warren crawling out of that cave and they knew they were caught. I had overheard Warren talking and I knew that they were going to be alone up there on Willow Creek that day. When I started walking up Rock Creek that day, I was pretty sure that I would find Warren somewhere out there and I determined to break up their plans to poach another load of antlers, if it was the last thing I did. If nothing else, that was going to be a little pay-back for what Warren did to my cousin, Chris.

I acted in self-defense, when I used that antler to keep Warren off me. They really didn't leave me any other choice. It was either Warren or me. From where I stood, there was no other option.

Frankie Ross,
April 30, 2022

WITNESS: ***Sam Chatterton***

**WYOMING GAME AND FISH
INCIDENT WITNESS STATEMENT**

REPORTING WARDEN: SAM CHATTERTON, BADGE NO. 353
INCIDENT NUMBER: 2022-JCNF-203
DATE: 04/30/2022
WITNESS NAME: Robin Warren
ADDRESS: 5409 East Rock Circle
Carter City, WY 82999
TELEPHONE: 307-244-6107
EMAIL: rustlerrobinw@carterweb.net

STATEMENT:

It's pretty simple. Frankie Ross jumped me and I never had a chance to defend myself. Frankie has had it out for me for years and I guess they decided that this was their chance to get back at me. I never did nothing to them that made me deserve getting my guts torn out with that antler.

I don't know anything about any stack of antlers in a cave and, if you want to ask me any more questions about that, you're going to have to talk to my lawyer.

Robin Warren
May 3, 2022

WITNESS: *Sam Chatterton*

**WYOMING GAME AND FISH
INCIDENT WITNESS STATEMENT**

REPORTING WARDEN: SAM CHATTERTON, BADGE NO. 353
INCIDENT NUMBER: 2022-JCNF-203
DATE: 04/30/2022
WITNESS NAME: BROOK HUNT
ADDRESS: 2399 North Canyon Road
Feather River, WY 82992
TELEPHONE: 307-233-5510
EMAIL: rangerbrook@carterweb.net

STATEMENT:

I was assigned to patrol the Willow Creek drainage looking for any sign of shed poachers, when I encountered two people arguing. It was hard to hear everything that they were saying, but I could tell that they were pretty angry by the way they were cursing at one another. Although my view of the scene was partially blocked by the trees and willows, I saw one of them pick up an elk antler and swing it at the other one. Then I heard a terrible scream, so I ran out and saw the person who had been hit lying there on the ground and bleeding. I began administering first aid to the injured person. There was a lot of blood and I knew we needed help. I told the other person to use my cell phone to get help. I had met the injured person earlier and I knew that their name was Robin Warren. The other person identified themselves as Frankie Ross.

Sam Chatterton and some forest service people showed up and took over caring for Warren. Later I helped Sam examine the scene and we found a large cache of elk antlers in a nearby cave. We also found a large knife lying on the ground. Then Sam asked me to write up this statement for his file.

Brook Hunt,
April 30, 2022

WITNESS: *Sam Chatterton*